

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AVISTUS FOBATE,

Plaintiff,

v.

R.J. SMITH, *et al.*,

Defendants.

Case No. 2:22-cv-01948-ART-VCF

ORDER

I. DISCUSSION

The Court issues this order on its own initiative. On September 19, 2023, the Office of the Attorney General of the State of Nevada (“Attorney General’s Office”) filed a response to Plaintiff Avistus Fobate’s (“Plaintiff”) subpoena duces tecum.¹ (ECF No. 17.) Now that the Attorney General’s Office has filed an answer to Plaintiff’s subpoena, Plaintiff must file a second amended complaint with the names of those he attempted to identify as defendants, or, in the alternative, Plaintiff must move to substitute the true names of the Doe defendants currently listed in the first amended complaint. (ECF No. 11.) Plaintiff must do either of these proposed actions on or before **October 23, 2023**. If Plaintiff fails to do either of the proposed actions before the deadline, the Court will dismiss the case without prejudice.

II. CONCLUSION

For the foregoing reasons, it is ordered that Plaintiff must either file a second amended complaint with the names of those he attempted to identify as defendants, or, in the alternative, Plaintiff must move to substitute the true names of the Doe defendants currently listed in the first amended complaint on or before **October 23, 2023**.

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¹ In the screening order, the Court instructed Plaintiff that he could file a Rule 45 subpoena duces tecum to attempt to identify two John Does. (ECF No. 10 at 7-8.)

1 It is further ordered that if Plaintiff fails to do either of the proposed actions before
2 the deadline, the Court will dismiss the case without prejudice.

3 DATED THIS 25th day of September 2023.

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5 UNITED STATES MAGISTRATE JUDGE
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